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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 THE AMERICAN AUTOMOBILE)
ASSOCIATION, INC.,)

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Plaintiff,)

2:08-cv-02878

v.)

ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR AN
ORDER TO SHOW CAUSE*

HCM BROTHERS, INC. d/b/a CEDAR INN)
& SUITES, and FU SHEN HSIAO,)

Defendants.)
_____)

On November 18, 2009, Plaintiff filed a motion seeking an order requiring that Defendants show cause why they should not be held in contempt of court for violating an order that was filed on October 29, 2009 (the "Order"). Plaintiff further requests that Defendants be ordered to show cause why they should not be required to pay the attorneys' fees Plaintiff incurs to enforce the Order.¹ The Order

* This matter is deemed to be suitable for decision without oral argument. E.D. Cal. R. 230(g)

¹ Plaintiff also requests Defendants be ordered to show cause why they should not be required to immediately pay the \$11,782.85 that was awarded through the Court's entry of default judgment. Plaintiff, however, has not demonstrated this portion of the Order should be

(continued...)

1 permanently enjoined Defendants from using Plaintiff's trademarks
2 without authorization, and required that Defendants destroy any
3 infringing term, logo or symbol within five days of the date on which
4 the Order was served.

5 On October 29, 2009, Plaintiff sent a letter by Federal
6 Express Priority Overnight mail to Defendants, providing notice of,
7 and including a copy of, the Order. (Hamilton Decl. ¶¶ 7-8, Exs. F,
8 G.) The letters were "unclaimed" by Defendants. (Id.) Also on
9 October 29, 2009, Plaintiff sent e-mails to e-mail addresses
10 associated with Defendants, attaching a copy of the Order; Plaintiff
11 provided confirmation that its e-mails were received by those e-mail
12 addresses. (Id. ¶ 9, Ex. H.) Plaintiff also produced evidence that
13 on November 11, 2009, Defendants were using Plaintiff's trademark
14 without authorization on Defendants' Cedar Inn & Suite's website.
15 (Id. ¶ 10, Ex. I.)

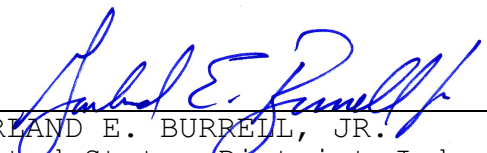
16 Defendants HCM Brothers, Inc., d/b/a Cedar Inn & Suites and
17 Fu Shen Hsiao shall appear before this Court on April 5, 2010 at 9:00
18 A.M. in Courtroom 10, located at 501 I Street in Sacramento,
19 California, for the purpose of showing cause why they should not be
20 held in contempt of court for violating the Order, and why they should
21 not be required to pay the attorneys' fees Plaintiff incurs to enforce
22 the Order.

23 Plaintiff shall provide proof of service of this order on
24 each Defendant no later than March 1, 2010.

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27 ¹(...continued)
28 involved in a contempt proceeding and Defendants are not required to
show cause on this issue.

1 Defendants shall file an opposition brief, or a statement of
2 non-opposition, no later than March 22, 2010; Plaintiff may file a
3 reply no later than March 29, 2010.

4 Dated: February 11, 2010

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8 GARLAND E. BURRELL, JR.
9 United States District Judge
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